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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/015,270 | 12/11/2001 | Arturo A. Rodriguez | A-7312 | 7025 |

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

121

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,270

Applicant(s)

RODRIGUEZ ET AL.

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 239-278 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 239-278 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Claims 209-238 were canceled in the amendment dated 6/3/04 (paper 11). Pending claims are new claims 239-278.

Response to Arguments

2. Applicant's arguments or remarks with respect to claims 239-278 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

4. Claims 239-278 (new) are rejected under 35 U.S.C. 102(b) as being anticipated by Young et al. (U.S. Patent No. 5,532,754).

Regarding claim 239, Young discloses a method for providing television services by a television set top terminal ("STT") (Figs. 23-24) comprising:

"defining a first time interval having a start time and an end time; associating a user preference corresponding to at least one parameter with the first time interval", i.e., Figure 25 shows that a user can define a first time interval with a start time 3030 and an end time 3040, with at least one (viewing) parameter associated as in a guide mode or in a theme mode for the program guide displaying (Fig. 25 and col. 24/lines 10-38);

“storing data in memory identifying the association of the at least one parameter with the first time interval”, i.e., a memory figured to store program instructions and a processor that is programmed by the program instructions regarding as the association of the at least one parameter with the time interval (Figs. 23 & 24, for cable decoder memory 2046 and a processor CPU 2036 for processing program instructions and storing program instructions in the memory, see col. 20/lines 7-34);

“receiving by the STT user input requesting a purchasable television service corresponding to the at least one parameter”, i.e., the user can request for purchasing a “pay-per-view” television service in “LIVE” section corresponding to “Themes” parameter (as illustrated in Figs. 16 & 17, and col. 13/line 50 to col. 14/line 9);

“determining whether the request is for viewing the purchasable television service during the first time interval”, i.e., based on the system clock time, the schedule of broadcasting programs being automatically advanced accordingly, as a result, live programs or pay per-view programs within a certain time period regarding as any time slot whether a first or second or third “during the time interval” can only be purchased during that time period (see col. 22/line 50 to col. 23/line 40);

“enabling a purchase of the television service responsive to receiving the request during the defined time period; and “preventing the purchase of the television service responsive to the request outside the defined time period”, i.e., based on the system clock time, the schedule of broadcasting programs being automatically advanced accordingly, as a result, live programs or pay per-view programs within a certain time period can only be purchased during that time period (see col. 22/line 50 to col. 23/line 40).

As for claims 240 and 241, these limitations are met as Young discloses that the first time interval and the request for viewing the purchasable television service is defined responsive to the user input received outside the first time interval (Fig. 25, and col. 22/lines 32-49; and Fig. 7 & 16 as figures show that while viewing some of the purchasable television services of live programs on the display TV screen, the lower bar contains information indicating the time of the user input outside the first time interval, as illustrated in Fig. 7; in other words, for example, at time 11:25 AM as shown, the user can browse the guide and seeking for pay-per-view channels at a any later defined time of 1:00PM-3:00PM or 2:00PM-4:00PM by using the menu of Fig. 25 either in guide mode or theme mode; the user input time is clearly outside the defined first time interval for requesting of viewing the purchasable television service).

As for claims 242 and 243, these limitations are met as Young discloses that wherein the at least one viewing parameter corresponding to a type of purchasable television service and at least one parameter identifies a television service, i.e., Figs. 16-17 shows program guide of a television service with selection parameters for "Theme" and to a pay per view as "Live" button is used for a purchasable television service (Figs. 16-17, and col. 13/line 65 to col. 14/line 8).

As for claims 244-247, these limitations are met as Young further discloses to include at least one parameter with the first time interval is stored in the memory for a plurality of days, using a clock time with subsequent start and end time for a second time interval, and a plurality of time intervals, wherein the plurality of time intervals occur during a plurality of respective days (Figs. 16-17 shows "first run" or "rerun" in item 112 for programs that occurs in relay for the first time or many times, and these programs are stored within the STT as well as "live" programs for real-time playing programs on col. 13/line 50 to col. 14/line 60, and the user can set

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up the STT for using the time clock for viewing any scheduled events, program at different time frames during any respective days based on theme, time period, manually scrolling, automatically scrolling and etc. (col. 23/line 15 to col. 24/line 9).

As for claim 248, Young discloses “wherein the at least one parameter is one of program type, a channel type, and a channel identity” (Figs. 1-3 & 16-17 shows program type as movies, sports etc., a channel type as Comedy, mini-series, or news, and a channel identity as channel 4, 5, 7, 9, CNN etc.).

As for claim 249, Young further discloses “wherein the user preference is selected by a user from a list of user preferences” (col. 15/line 55 to col. 16/line 58 for user’s list of favorite channels and how to customize his favorite list or preference list).

Regarding claim 250, Young discloses a method for providing television services by a television set top terminal (“STT”) (Figs. 22-23) comprising:

“defining a time period having a start time and an end time; associating a user preference corresponding to at least one viewing parameter with the first time interval”, i.e., Figure 25 shows that a user can define a time period with a start time 3030 and an end time 3040, with at least one viewing parameter associated as in a guide mode or in a theme mode for the program guide displaying (Fig. 25 and col. 24/lines 10-38);

“storing data in memory identifying the association of the at least one parameter with the first time interval”, i.e., a memory figured to store program instructions and a processor that is programmed by the program instructions regarding as the association of the at least one parameter with the time interval (Figs. 23 & 24, for cable decoder memory 2046 and a processor

CPU 2036 for processing program instructions and storing program instructions in the memory, see col. 20/lines 7-34);

“receiving a request for recording a television service corresponding to the viewing parameter” and “determining whether the request is for recording the television service during the first time interval”, i.e., based on the system clock time, the schedule of broadcasting programs being automatically advanced accordingly, as a result, live programs or pay per-view programs within a certain time period regarding as any time slot whether a first or second or third “during the time interval” can only be purchased and recorded during that time period (see col. 22/line 50 to col. 23/line 40; and Figs. 4, 7, 13 and col. 9/line 10 to col. 11/line 65 for scheduling of recording programs and its detailed technique); and

enabling and preventing the recording if the request is during the defined time period and outside the time period, respectively, i.e., from the guide mode (as shown in Fig. 25), the user can access to the TV program guide and can easily setting up a request for recording a television program service (col. 17/line 45 to col. 18/line 31), and based on the system clock time, the schedule of broadcasting programs being automatically advanced accordingly, as a result, live programs or pay per-view programs within a certain time period can only be purchased or recording during that time period (see col. 22/line 50 to col. 23/line 40).

As for claims 251-261, these claims with same limitations for providing television service and recording to the user are rejected for the reasons given in the scope claims 240-249 as already disclosed above.

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As for claims 262-275, these claims with similar limitations for providing television service and recording to the user are rejected for the reasons given in the scope claims 239-249 as already disclosed above, with the combination of earlier claims and mixing of the first time interval, the second time interval and third time interval or multiple time intervals, which are already addressed in earlier claim 239 and claim 250 for the step of including any time slot whether a first or second or third “during the time interval” can only be purchased and recorded during that time period (see col. 22/line 50 to col. 23/line 40; and Figs. 4, 7, 13 and col. 9/line 10 to col. 11/line 65 for scheduling of recording programs and its detailed technique).

As for claim 276, Young discloses “wherein the first television function comprises enabling a sales transaction”, i.e., purchasing a pay-per-view program regarding as a sales transaction (Figs. 16 & 18, and col. 13/line 65 to col. 14/line 8).

As for claim 277, Young discloses “wherein the first television function comprises enabling recording a television service” (Figs. 4, 12, 13, 19 & 21/item 148 for television recording function addressed).

As for claim 278, Young discloses “wherein the first television function corresponds to a user input key” (Figs. 22B, 23, 24, and col. 6/line 45-col. 7/line 47 for user interface; and col. 19/line 62 to col. 21/line 10 for a cable converter with a remote controller for user inputting).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'Krista Bui', with a long horizontal line extending from the end of the signature.

Krista Bui
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August 31, 2004

**KRISTA BUI
PATENT EXAMINER**